



General Assembly

Amendment

February Session, 2022

LCO No. 5986



Offered by:
SEN. KISSEL, 7th Dist.

To: Subst. Senate Bill No. 306

File No. 518

Cal. No. 381

(As Amended)

"AN ACT CONCERNING DECEPTIVE INTERROGATION TACTICS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section,
4 "deception or coercive tactics" includes, but is not limited to, any tactic
5 that:

6 (1) Deprives the person being interrogated of physical or mental
7 health needs, including, but not limited to, food, sleep, use of the
8 restroom or prescribed medications;

9 (2) Uses or threatens the use of physical force upon the person being
10 interrogated or another person;

11 (3) Uses means or undue pressure to impair the physical or mental
12 condition of the person being interrogated to the extent of undermining
13 the person's ability to make an informed choice whether to make a

- 14 statement;
- 15 (4) Uses or threatens the criminalization of another person;
- 16 (5) Uses or threatens the use of enhanced penalties, upon the person
17 being interrogated or another person; or
- 18 (6) Violates the constitutional rights of the person being interrogated;
19 and
- 20 (7) If the person being interrogated is under eighteen years of age,
21 "deception or coercive tactics" further includes any tactic that:
- 22 (A) Communicates false statements or misrepresentations of the law;
23 or
- 24 (B) Communicates false or misleading promises of leniency or some
25 other benefit or reward.
- 26 (b) Any admission, confession or statement, whether written or oral,
27 made by any person during a custodial interrogation by a law
28 enforcement agency official or their agent, shall be presumed to be
29 involuntary and inadmissible in any proceeding if the law enforcement
30 agency official or their agent engaged in deception or coercive tactics
31 during such interrogation.
- 32 (c) The presumption that any such admission, confession or
33 statement is involuntary and inadmissible may be overcome if the state
34 proves by clear and convincing evidence that the admission, confession
35 or statement was (1) voluntary and not induced by the use of deception
36 or coercive tactics, and (2) any alleged use of deception or coercive
37 tactics did not undermine the reliability of the person's admission,
38 confession or statement and did not create a substantial risk that the
39 person might falsely incriminate themselves."

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2022</i>	New section
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